

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

1512-2 AD 30
[Signature]

ELTON RIEARA,

Plaintiff,

vs.

CIVIL ACTION NO.: CV205-174

Officer F. SWEAT, individually
and in his official capacity,

Defendant.

ORDER

After an independent review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. Defendant filed a Response to these Objections. In his Objections, Plaintiff asserts that he is not seeking damages solely for mental and emotional injuries based on Defendant's alleged violations of his constitutional rights. Plaintiff avers that the plain language of his Complaint reveals that he is seeking compensatory and punitive damages based on Defendant having violated his constitutional rights.

A review of Plaintiff's Complaint indicates that he is seeking damages only for mental and emotional injuries. Plaintiff is not permitted to do so based on 42 U.S.C. § 1997e(e). This is not to say an inmate can never file suit for constitutional violations absent a showing of any physical injury; however, an inmate cannot recover damages for mental and emotional injuries without a prior showing of a physical injury.

The Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court. Defendant's Motion to Dismiss (Doc. No. 7) is **GRANTED**. Plaintiff's Complaint is **DISMISSED**, without prejudice. The Clerk of Court is hereby authorized and directed to enter an appropriate Judgment of Dismissal.

SO ORDERED, this 9th day of August, 2006.



JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA